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Committee 10

Approved For Release 2002/08/21 : CIA-RDP85-00821R000100120004-9

NFAC 3700/78

OGC Has Reviewed

30 AUG 1978

*NSC REVIEW
COMPLETED*

/ REFERENCE COPY

RETURN TO OS REGISTRY

MEMORANDUM FOR: Director of Central Intelligence

THROUGH : Deputy Director of Central Intelligence

FROM : Sayre Stevens
Deputy Director, National Foreign
Assessment Center

SUBJECT : Disclosure of Classified US Military
Information to Foreign Governments and
International Organizations

REFERENCE : Memorandum from Dr. Brzezinski to the
Vice President and Other Principals,
6 June 1978, Same Subject

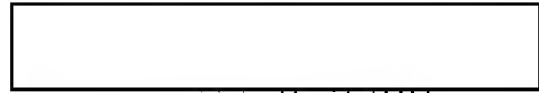
1. Action Requested: This memorandum is for
your information. It evaluates the impact that the
referenced memorandum (Tab A) concerning disclosing
classified military information to foreign nationals
may have on your authority and responsibility.

2. Background: The memorandum, signed by
Dr. Brzezinski, was prepared by the National Disclosure
Policy Committee (NDPC). This Committee was established
in the 1930's to guide the Department of State on
issuing export licenses without jeopardizing military
security or violating espionage laws. Its membership
and role have grown over the years. CIA has been
represented in its deliberations since 1949, at first
as an observer and later as the DCI "Special Member."
A Special Member is defined as a participant having
a significant interest in some but not all of the
Committee's activities.

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3. The DCI's representative's role over the
years was largely limited to defending the Director's
responsibility for and authority over interdepartmental
national intelligence. In 1966, however, this type
of classified military information was formally written

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out of the Committee's charter. [redacted]

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[redacted]. The Committee today primarily concerns itself with the disclosure of departmental military intelligence and, secondarily, of classified information on weapon systems sold abroad.

4. The memorandum signed by Dr. Brzezinski arose out of problems which the NSC and the NDPC perceived in disclosing military information to foreign governments. These bodies were of the opinion that there was confusion among the officials charged with implementing national disclosure policies. They were also concerned over the lack of regular security surveys of foreign countries with which the U.S. shares its military information as well as incidents of U.S. officials discussing national disclosure policies with foreign nationals. It was believed that an effort should be made to educate officials on disclosure policies, to strengthen security arrangements with our allies, and to emphasize that there are NOFORN aspects to U.S. military disclosure policies.

5. The memorandum signed by Dr. Brzezinski essentially reaffirms basic U.S. policy governing the disclosure of classified military information to foreign governments. It authorizes the NDPC to develop guidance that will be applied uniformly by all personnel involved in military disclosure programs and the Secretaries of State and Defense to negotiate with foreign governments bilateral security arrangements for the protection of U.S. military information passed to these governments. These security arrangements will require both the foreign governments to report known or suspected compromises of U.S. classified information and include provisions for "reciprocal on-site security surveys" to determine the capability of foreign governments to protect U.S. military information.

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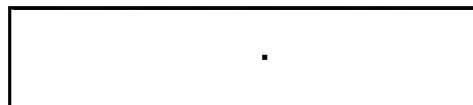
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SUBJECT: Disclosure of Classified US Military Information to Foreign Governments and International Organizations

6. Agency officials who have examined the memorandum do not believe that it infringes on your authority in disclosing national intelligence to foreign governments or on your responsibility for protecting intelligence sources and methods. The memorandum does affect certain specific DCI responsibilities, however. CIA will continue to be asked to contribute security officers to interagency teams inspecting foreign security policies and practices, and this is the memorandum's main resource impact. In addition, foreign security officials can be expected to request visits to U.S. intelligence organizations as part of the reciprocal surveys to evaluate U.S. protection of classified military information. We believe that the community will be able to accommodate these requests pertaining to security procedures, while safeguarding intelligence sources, methods and products. This will provide an opportunity to demonstrate to foreign officials responsible for security the type and degree of protection we want U.S. secrets to receive. The memorandum's requirement for reciprocal reporting of compromises of information provided by cooperating countries will not impose an additional burden as this is current policy.

7. Staff Position: This memorandum has been coordinated with the Offices of General Counsel and Security.



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Sayre Stevens

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THE WHITE HOUSE
WASHINGTON

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| Executive Declassify |
| 78-5770 |

CONFIDENTIAL - GDS06C78-381P
6-12-78

June 6, 1978

MEMORANDUM FOR

The Vice President
 The Secretary of State
 The Secretary of Defense

ALSO: The Secretary of Energy
 The Attorney General
 The Chairman, Joint Chiefs of Staff
 The Director of Central Intelligence

SUBJECT: Disclosure of Classified United States
 Military Information to Foreign Govern-
 ments and International Organizations (U)

This directive reaffirms the policy, objectives and imple-
 menting responsibilities prescribed by National Security
 Decision Memorandum 119 of July 20, 1971. The basic policy
 of the United States governing the disclosure of classified
 United States military information to foreign governments
 and international organizations remains unchanged; however,
 the President has authorized certain additional requirements
 to augment existing policy. In order to implement fully
 this policy and better to achieve its intended purpose, the
 President has specifically authorized: (U)

- The National Military Information Disclosure
 Policy Committee (NDPC) to develop and promul-
 gate instructional guidance to be uniformly
 applied by all personnel involved in any man-
 ner with international programs through which
 classified United States military information
 may be disclosed; and; (U)
- The Secretaries of State and Defense to initiate
 with recipient governments the negotiation of
 General Security of Information Agreements or
 other bilateral security arrangements outlining

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the responsibilities of both parties pertaining to the safeguarding of classified United States military information. These agreements should contain provisions requiring (1) foreign governments to whom United States classified military information has been or will be entrusted, to report promptly and fully any known or suspected compromises of such information and corrective action taken to preclude recurrence, and (2) provisions for reciprocal on-site security surveys for purposes of determining the capability of the foreign government or international organization to provide to U.S. classified military information the requisite degree of security protection. (U)

In view of United States foreign policy considerations, the President has stressed that classification eligibility levels established by the NDPC should not be discussed with representatives of foreign governments or international organizations. (C)



Zbigniew Brzezinski

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

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| Executive Registry |
| 71-3898 |

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July 20, 1971

National Security Decision Memorandum 119

TO: The Vice President
The Secretary of State
The Secretary of Defense
The Attorney General
The Director of Central Intelligence
The Chairman, Atomic Energy Commission

SUBJECT: Disclosure of Classified United States
Military Information to Foreign Governments
and International Organizations

The President has approved the following statement of policy governing the disclosure of classified United States military information to foreign governments and international organizations. This policy statement supersedes those provisions of previous national security directives pertaining to the disclosure of classified U. S. military information to foreign recipients, namely (1) the directive "Basic Policy Governing the Disclosure of Classified Military Information to Foreign Governments", approved by the President, February 27, 1946; (2) the directive "Basic Policy Governing the Release of Classified Defense Information to Foreign Governments", approved by the President September 23, 1958; and (3) NSC Action 2125, approved by the President on September 14, 1959.

The issuance of this National Security Decision Memorandum takes into account the foreign policy implications and national defense aspects of disclosures of classified U. S. military information to foreign governments and international bodies, and the mutual interest and responsibilities of the Secretaries of State and Defense with respect to such disclosures.

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"Classified Military Information" Defined

Classified military information of the United States is information which (a) is under the control or jurisdiction of the Department of Defense, its departments or agencies, or is of primary interest to them; (b) may be embodied in written, oral or other form; and (c) requires protection in the interest of national defense and security in one of the three classification categories -- TOP SECRET, SECRET or CONFIDENTIAL -- as described in Executive Order 10501, as amended.

General Policy Objectives

It is the policy of the United States Government to treat classified military information as a national security asset which must be conserved and protected and which may be disclosed to foreign governments and international organizations only where there is a clearly defined advantage to the United States. Such disclosures must be consistent with United States foreign policy objectives and military security requirements, and limited to information necessary to the purpose of the disclosure. Disclosures will be contingent upon a determination that the recipient of the information will afford it substantially the same degree of security protection given to it by the United States. (This requirement may be set aside in exceptional cases authorized jointly by the Secretaries of State and Defense, or by their representatives specifically designated for this purpose, upon a finding that the advantage resulting to the United States from the proposed disclosure may be expected to outweigh the risk of the compromise of U. S. military secrets. Instances of such exceptions will be centrally recorded and included in annual reports to the National Security Council concerning the implementation of this policy statement.)

Nothing in this policy statement shall be construed to authorize the disclosure of classified U. S. military information contrary to: (a) provisions of Federal statutes, including the Atomic Energy Act of 1954 or international agreements thereunder; (b) proprietary rights of private firms or citizens, unless disclosure is authorized by relevant legislation; or (c) disclosure authority vested in the United States Intelligence Board structure and in the United States Communications Security Board. Nothing contained herein shall affect or modify authority or responsibility vested in the Secretaries of State and Defense, the Atomic Energy Commission, and the Director of Central

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Intelligence (pursuant to Federal law, National Security Council Intelligence Directives, Executive Orders or other Presidential authorizations) to make specific determinations concerning disclosures of classified U. S. military information to foreign recipients.

Nothing herein shall be construed to authorize the disclosure of any naval nuclear propulsion information, classified or unclassified, except under an Agreement for Cooperation executed in accordance with Section 123 (d) of the Atomic Energy Act of 1954, as amended.

Implementing Responsibility

The Secretaries of State and Defense -- consulting as appropriate with the Chairman of the Atomic Energy Commission, the Director of Central Intelligence, and the heads of other departments and agencies -- are hereby assigned the responsibility for controlling the releases of U. S. classified military information in accordance with the provisions of this policy statement. This assignment of responsibility includes:

- The establishment and management of such inter-agency mechanism and procedures as are required for the effective implementation of this policy;
- The promulgation of specific disclosure criteria and limitations, definitions of terms, release arrangements and other guidance required by U. S. departments and agencies having occasion to release classified U. S. military information to foreign recipients;
- The continuing review of pertinent intelligence information, and the conduct of periodic on-site surveys, for the purpose of determining the capability of particular foreign governments and international organizations to provide to classified U. S. military information the requisite degree of security protection; and
- The submission to the National Security Council of an annual report covering the highlights of the program including (a) an assessment of the effectiveness of the program in meeting the

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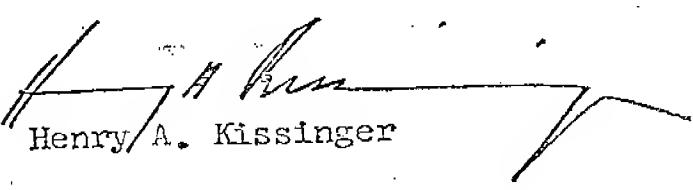
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general policy objectives and implementing responsibilities set forth in this policy statement; (b) information concerning any security compromises or other noteworthy problems encountered, and remedial actions taken; and (c) the circumstances of any exceptional instances wherein disclosures of classified military information were made to foreign recipients not known to possess the capability to afford the information protection substantially equal to that provided it by the United States.

This assignment of implementing responsibility jointly to the Secretaries of State and Defense does not preclude continuation of their existing agreement that a representative of the Secretary of Defense provide executive direction and chairmanship of the interdepartmental committee utilized in the implementation of previous national policy on the subject.


Henry A. Kissinger